

73
PETITION FOR ZONING VARIANCE 85-134-A
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 - 10 permit an accessory structure (carport with shed) outside of the third of the lot farthest removed from both streets

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. It is impractical to remove trees and shrubbery to extend existing driveway, or to construct a new one.
2. Existing driveway, when poured 20 years ago, included footing to allow for a garage or carport.
3. Existing power lines to my house as well as the house next door would have to be relocated.
4. Carport will not obstruct the view of my neighbors or motorists.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) JOHN S. EDWARDS
(Type or Print Name)

Signature: Signature: (Type or Print Name) (Type or Print Name)

Address for Petitioner: Address: (Type or Print Name) (Type or Print Name)

City and State: City and State: (Type or Print Name) (Type or Print Name)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Name, address and phone number of legal owner, contract purchaser or representative to be contacted:

City and State: City and State: (Type or Print Name) (Type or Print Name)

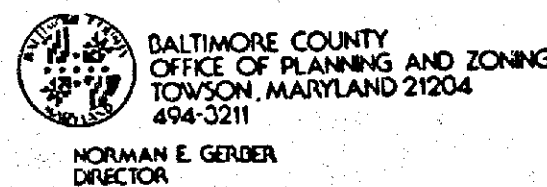
Attorney's Telephone No.: Attorney's Telephone No.: (Type or Print Name) (Type or Print Name)

DATE: DATE: (Type or Print Name) (Type or Print Name)

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of September 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of November, 1984, at 10:00 o'clock A.M.

Cal John
Zoning Commissioner of Baltimore County.

(over)



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 9/25/84
Item # 73
Property Owner: John S. Edwards, et ux
Location: 7140 Brightside Ave. & Purvis Place

Dear Mr. Jablon:

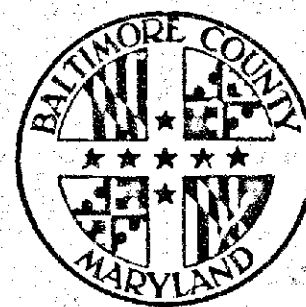
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Varying calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

1) Shows driveway on the plan

Stephen G. Boler
Stephen G. Boler
Chief, Current Planning and Development

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 5, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Road Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. John S. Edwards
134 Brightside Avenue
Baltimore, Maryland 21208

RE: Item No. 73 - Case No. 85-134-A
John S. Edwards, et ux
Variance Petition

Dear Mr. & Mrs. Edwards:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

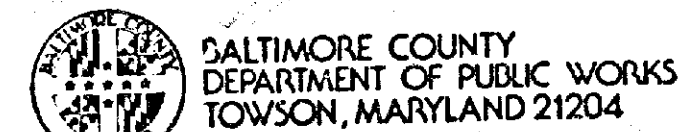
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, Jr.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures



HARRY I. PISTEL, P.E.
DIRECTOR

November 1, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #73 (1984-1985)
Property Owner: John S. Edwards, et ux
1/2 cor. Brightside Ave. & Purvis Place
Acres: 40 x 119
District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Baltimore County highway and utility improvements exist and are not directly involved.

Brightside Avenue and Purvis Place, existing public roads, are proposed to be further improved in the future as 30-foot closed section roadways on 50-foot rights-of-way, with fillet areas for sight distance at their intersection.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

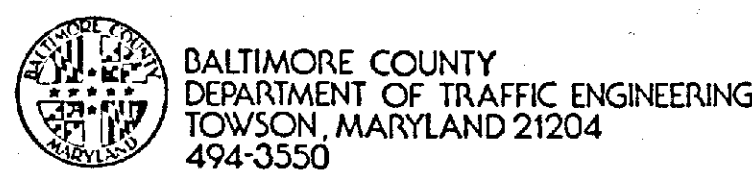
Very truly yours,

James A. Markle, Jr.
JAMES A. MARKLE, JR., Chief
Bureau of Public Services

JAM:EAM:FWR:es

P-SE Key Sheet
NW 7 F Topo

26 & 27 NW 21 Pos. Sheets
78 Tax Map



STEPHEN E. COLLINS
DIRECTOR

October 8, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 72, 73, and 78 ZAC-Meeting of September 25, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

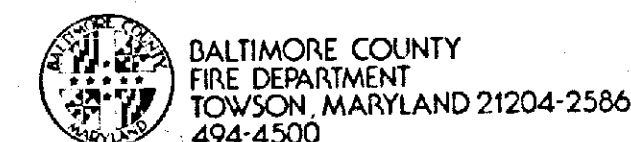
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 72, 73, 75, and 78.

Michael S. Flanagan
Traffic Engineering Assoc. II

NSP/ocm



PAUL H. RENCKE
CHIEF

September 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: John S. Edwards, et ux

Location: NE/Cor. Brightside Avenue and Purvis Place

Item No.: 73 Zoning Agenda: Meeting of September 25

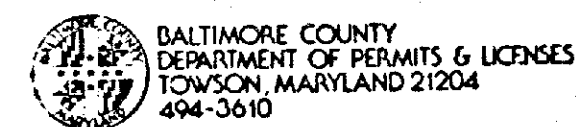
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: [Signature] Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



ED ZALUSKI JR.
DIRECTOR

September 25, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 73 Zoning Advisory Committee Meeting are as follows:

Property Owner: John S. Edwards, et ux
Location: NE/Cor. Brightside Avenue and Purvis Place
Existing Zoning: D-1
Proposed Zoning: Variance to permit an accessory structure outside of the third lot farthest removed from both streets.

Acres: 10 x 119
District: 3rd.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82. Structures shall be constructed in accordance with the Building Code and other applicable codes.
- (X) A building/structure shall be required before beginning construction.
- (X) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) An exterior wall erected within 5'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction; no openings permitted within 3'0" of lot line. A fire wall is required if construction is on the lot line, see Table 101, Item 5, Section 1007 and Table 1002, also Section 503.2.
- (X) Requested variance appears to conflict with the Baltimore County Building Code, Section 5.
- (X) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (X) Before this office can comment on the above structure, please have the owner turn the services of a Registered Professional Architect or Engineer over to this office, that, the structure for which a proposed change is use in proposed can comply with the building requirements of Table 205 and the required construction classification of Table 101.
- (X) Comments - Remove center interior property line from plan. The Building Code requires fire walls on interior lot lines.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman, Chief
Plans Review

CEB:es

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE Corner of Brightside : OF BALTIMORE COUNTY
Ave. & Purvis Place
(134 Brightside Ave.)
3rd District
JOHN S. EDWARDS, et ux, : Case No. 85-134-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be . . . of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 25th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John S. Edwards, 134 Brightside Ave., Pikesville, MD 21208, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITION ZONING VARIANCE : BEFORE THE
NE/corner of Brightside : ZONING COMMISSIONER
Avenue and Purvis Place : OF BALTIMORE COUNTY
(134 Brightside Avenue) -
3rd Election District :
John S. Edwards, et ux, : Case No. 85-134-A
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (carport and shed) to be constructed outside the third of the lot farthest removed from any street, as more particularly shown on Petitioners' Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zone D.R.5.5, consists of two contiguous 40-foot lots, one improved with a 1 1/2-story frame dwelling and the other vacant. The dwelling is located on the corner of Purvis Place and Brightside Avenue, facing Brightside Avenue. The Petitioners propose to construct a 10'8" x 25' carport and shed 39 inches from the rear property line on an existing concrete slab which constitutes part of the driveway. The driveway, located off Purvis Place, is approximately 10'8" x 45' and is situated 39 inches from the rear property line. The driveway would be 19 feet long after construction of the carport and shed. The proposed carport would not obstruct traffic in any way. See Petitioners' Exhibits 2 and 3.

The Petitioners argued that they cannot place the carport on the vacant lot in an area farthest removed from both streets inasmuch as the driveway would need to be extended by about 30 feet and would necessitate removal of existing trees and shrubbery and existing power lines which serve the area. Certainly, the spirit and intent of the Baltimore County Zoning Regulations (BCZR) would be served if the variance were granted. The purpose of the shed is to provide the

Petitioner with a more easily accessible storage area than he now has because of his recent heart surgery.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is concluded that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement of the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of November, 1984, that the Petition for Zoning Variance to permit an accessory structure (carport and shed) outside the third of the lot farthest removed from any street be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. John S. Edwards

People's Counsel

ZONING DESCRIPTION

Beginning on the Northeast corner of Brightside Avenue and Purvis Place, being Lots 72 and 73 on the Plat of Ralston, Plat Book No. 1, Folio 275 and 276. Also known as 134 Brightside Avenue, 3rd Election District.

PETITION FOR VARIANCE

3rd Election District

LOCATION: Northeast corner of Brightside Avenue and Purvis Place (134 Brightside Avenue)

DATE AND TIME: Tuesday, November 13, 1984 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit an accessory structure (carport with shed) outside of the third of the lot farthest removed from both streets.

Being the property of John S. Edwards, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 5, 1984

Mr. and Mrs. John S. Edwards
134 Brightside Avenue
Baltimore, Maryland 21208

RE: Petition for Variance
NE/cor. Brightside Avenue and Purvis Place
(134 Brightside Avenue)
John S. Edwards, et ux - Petitioners
Case No. 85-134-A

Dear Mr. and Mrs. Edwards:

This is to advise you that \$45.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND		No. 135850
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE Nov. 13, 1984	ACCOUNT R-01-615-000	
AMOUNT \$45.00		
RECEIVED John S. Edwards		
FOR Advertising and Posting Case No. 85-134-A		
C 015*****46Jute -134f		
VALIDATION OR SIGNATURE OF CASHIER		

ORDER RECEIVED FOR FILING

DATE November 13, 1984
BY *Arnold Jablon*
ADMINISTRATIVE

LEGAL NOTICE
 PETITION FOR VARIANCE
 1. LOCATION: Northwest corner of Brightside Avenue and Purvis Place (134 Brightside Avenue) - Baltimore, Maryland
 2. DATE AND TIME: Tuesday, November 13, 1984 at 10:00 A.M.
 3. PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

It is to CERTIFY, that the annexed advertisement published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 13th day of Nov. 1984

the first publication appearing on the 24th day of Oct. 1984

the second publication appearing on the day of 1984

the third publication appearing on the day of 1984

THE NORTHWEST STAR
 Manager
 Cost of Advertisement \$20.00

October 11, 1984

Mr. and Mrs. John S. Edwards
 134 Brightside Avenue
 Baltimore, Maryland 21208

NOTICE OF HEARING
 RE: PETITION FOR VARIANCE
 NE/cor. Brightside Ave. & Purvis Place
 (134 Brightside Avenue)
 John S. Edwards, et ux - Petitioners
 Case No. 85-134-A

TIME: 10:00 A.M.
 DATE: Tuesday, November 13, 1984
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 133282
 DATE: 9/12/84 ACCOUNT: 801-15108
 AMOUNT: \$35.00
 RECEIVED FROM: John S. Edwards, et ux
 FOR: filing fee of \$35.00
 RECEIVED BY: [Signature]
 OFFICIAL: [Signature]
 BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner
 FROM: Norman E. Gerber, Director
 Office of Planning and Zoning
 Zoning Petition Nos. 85-128-A,
 SUBJECT: 85-128-A, 85-129-A, and 85-134-A

Date: November 8, 1984

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
 Office of Planning and Zoning

URGENT/JGH/sf

85-134-A
CERTIFICATE OF PUBLICATION
 TOWSON, MD. Oct. 25, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 25, 1984

THE JEFFERSONIAN,
 18 Kentuck
 Publisher

Cost of Advertising 20.00

85-134-A
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3.24
 Posted for: Variance
 Petitioner: John S. Edwards
 Location of property: NE/cor. Brightside Ave. & Purvis Place
 (134 Brightside Ave.)
 Location of Sign: NE/cor. of Brightside Ave. & Purvis Place

Remarks:
 Posted by: [Signature]
 Date of return: 11-2-84
 Number of Signs: 1

85-134-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 25th day of September, 1984.

Arnold Jablon
 Zoning Commissioner

Petitioner: John S. Edwards, et ux
 Received by: [Signature]
 Petitioner's Attorney: Nicholas B. Commodari
 Chairman, Zoning Plans Advisory Committee

